

to debate the question on the resolution.

THE SPEAKER: Under the present circumstances, the motion to reconsider would be debatable.

MR. LAIRD: I thank the Speaker.

MR. McCULLOCH: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. McCULLOCH: Mr. Speaker, what time would be allowed to debate the question and how would it be divided?

THE SPEAKER: It will be under the 1-hour rule and the gentleman from Ohio would be entitled to the control of the entire hour.

The Chair will restate the question on which the yeas and nays have been demanded and ordered.

The question is on the motion of the gentleman from Oklahoma [Mr. Albert] to lay on the table the motion to reconsider.

The question was taken; and there were—yeas 194, nays 181, not voting 57.

### *Senate Practice*

#### **§ 41.2 A Motion to reconsider is debatable under Senate rules. During the Senate debate of May 6, 1964,<sup>(10)</sup> on H.R. 7152 (Civil Rights Act of 1963), Mr. Everett M. Dirksen, of Illinois, sought reconsideration of a tie vote on certain amendments and**

10. 110 CONG. REC. 10201–03, 88th Cong. 2d Sess.

#### **raised the following parliamentary inquiry:**

MR. DIRKSEN: Mr. President, a parliamentary inquiry.

THE ACTING PRESIDENT PRO TEMPORE:<sup>(11)</sup> The Senator will state it.

MR. DIRKSEN: A motion to reconsider is a debatable motion, is it not?

THE ACTING PRESIDENT PRO TEMPORE: The Senator is correct.

MR. DIRKSEN: So any Senator who wishes to discuss the motion to reconsider is at liberty to do so upon recognition?

THE ACTING PRESIDENT PRO TEMPORE: The Senator is correct. The Senator from Illinois has the floor.

### **§ 42. In General; Effect**

The unanimous-consent request is a procedural device that is available both in the House and Committee of the Whole.<sup>(12)</sup> The limitations on the application of unanimous-consent requests are primarily those imposed by the presiding officer in the exercise of his discretionary power to recognize Members.<sup>(13)</sup> However, in at least one circumstance the Speaker is proscribed by rule from entertaining certain unanimous-consent requests.<sup>(14)</sup> Also, unanimous

11. Lee Metcalf (Mont.).

12. See, generally, § 47, *infra*.

13. See, generally, §§ 44, 48, *infra*.

14. Rule XXXII clause 1, *House Rules and Manual* § 919 (1981). See also §§ 47.5, 47.6, *infra*.

consent may not be requested in the Committee of the Whole on matters properly recognizable only in the House.<sup>(15)</sup>

When a unanimous-consent request has been made, any Member, including the Chair,<sup>(16)</sup> may object. The objection terminates the request.<sup>(17)</sup>

A Member may reserve the right to object to a unanimous-consent request and by so doing obtains the floor. However, the Chair may refuse to permit debate under the reservation and put the question on the request.<sup>(1)</sup> A Member controlling the floor under a reservation of the right to object loses the floor if the request is withdrawn.<sup>(2)</sup> The reservation of the right to object cannot be maintained if the regular order is demanded; in that case the reserving Member must either object or withdraw his reservation.<sup>(3)</sup>

## § 43. Stating the Request; Withdrawal

### *Stating the Request*

#### § 43.1 The Speaker's statement of a unanimous-consent re-

15. §§ 48.15, 48.16, *infra*.

16. §§ 45.4, 45.5, *infra*.

17. § 45.6, *infra*.

1. §§ 46.1, 46.2, *infra*.

2. § 46.4, *infra*.

3. § 46.6, *infra*.

**quest as put to the House is controlling, and he may refuse to recognize an objection to the request made prior to such statement.**

On Sept. 4, 1940,<sup>(4)</sup> the following occurred after a divisive personal exchange between Mr. Martin L. Sweeney, of Ohio, and Mr. Beverly M. Vincent, of Kentucky:

Mr. Vincent of Kentucky: Mr. Speaker, I served in the World War, and the World War, as I understand it then and as I understand it now, was fought because we were being attacked by submarines and women and children were being murdered on the high seas. For the gentleman from Ohio (Mr. Sweeney) to say that President Wilson brought on that war to me was untrue and the whole statement the gentleman made I resented very much.

When he finished his speech he started to sit down by me. I got up and moved. I shall continue to refuse to sit by him as long as I am a Member of the Congress and he is a Member. When he sat down by me I got up and moved. I said I did not want to sit by a traitor to my country. . . .

Mr. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I demand recognition on a point of order.

THE SPEAKER PRO TEMPORE:<sup>(5)</sup> The gentleman will state it.

MR. HOFFMAN: Mr. Speaker, I demand that the words of the gentleman

4. 86 CONG. REC. 11516, 11517, 76th Cong. 3d Sess.

5. Jere Cooper (Tenn.).